THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9772 of 2007

Date: 01.05.2007

Between:

Gunturu Krishna Leela and others

....Petitioners

and

The Joint Registrar/District Cooperative Officer, Machilipatnam, Krishna District and others

....Respondents

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O R D E R:

This writ petition is filed assailing the notice, dated 21.4.2007, issued by the Tahsildar, Avanigadda Revenue Mandal, Krishna District, the third respondent herein, requiring the petitioners to vacate the land in the light of the orders passed by this court in W.P.No.2773 of 2007.

The petitioners state that they are not given an opportunity and that this court has never directed the indiscriminate eviction of the petitioners. The petitioners urge that they are entitled for protection and the respondents are under obligation to follow the procedure prescribed under the law.

Heard the learned counsel for the petitioners and the learned Government Pleader for Cooperation, appearing for the respondents.

The impugned notice is issued by making a reference to the order of this court in W.P.No.2773 of 2007, dated 15.2.2007. On a complaint made by one of the members of the Vijaya Bhaskara Cooperative Collective Farming Society, the fifth respondent herein, alleging that several non-members are in occupation of the lands allotted to the society, this court directed the officials of the Cooperative and Revenue departments to take necessary steps in accordance with law, for removal of the encroachments.

Though the impugned notice is issued directing eviction of

the petitioners, the petitioners can certainly put forward their claim before the third respondent herein. In case they are able to prove that they are members of the fifth respondent-society, they can certainly seek protection of their rights. On the other hand, if the petitioners are not members of the society, they have no rights to continue in the possession of the land. At the most, they can be permitted to harvest the standing crop, if any.

Hence, the writ petition is disposed of, directing that it shall be open to the petitioners to plead their case before respondents 2 and 3 and place the relevant material to prove their membership or the fact that they are the legal heirs of any former member, within a period of two (2) weeks from today. In case the petitioners are able to satisfy respondents 2 and 3 about their claim, they shall not be 5evicted. On the other hand, if the petitioners are found to be non-members, they shall be liable to be evicted by permitting them to harvest the existing crop. There shall be no order as costs.

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01.05.2007

kdl